



Agenda

Planning and Licensing Committee

Wednesday, 13 May 2020 at 7.00 pm

This meeting will be held remotely only. The meeting will be accessible by the public via the link.

Membership (Quorum – 4)

Cllrs Ms Sanders (Chair), McCheyne (Vice-Chair), Chilvers, Fryd, Haigh, Jakobsson, Keeble, Kerslake, Morrissey, Mynott, Tanner and Tierney

Substitute Members

Cllrs Barrett, Dr Barrett, Bridge, Mrs Fulcher, Laplain, McLaren and Nolan

Agenda

Item	Item	Wards(s) Affected	Page No
Live Broadcast			
Planning & Licensing Committee Live Broadcast on 13 th May 2020 at 7pm.			
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5.	Urgent Business		

A handwritten signature in black ink, reading 'Jonathan Stephenson', is centered within a light blue rectangular box. The signature is written in a cursive style with a horizontal line crossing through the middle of the letters.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
05.05.2020

Information for Members

Please note the changes in blue apply to remote meetings

Introduction

The Government has enacted The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 no 392 (the Regulations) which came into force on the 4 April 2020 and will remain in force until the 7 May 2021.

The Council will hold Committee meetings remotely and enable the public to participate by streaming those meetings that are open to the public.

Only those Committee meetings where the public have a right to speak will the facility be available to enable them to participate where the technology is not available for them to exercise this right then their participation will be by written communication read out at the remote meeting.

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any member may remotely attend any Committee to which these rules apply.

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

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Guidelines on filming, photography, recording and use of social media at council and committee meetings

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remotely by being recorded and streamed. Whilst the Regulations apply the following paragraphs will not apply to the meetings of the Council.

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

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If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

Private Session

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

The Chair or Clerk to the Committee will disconnect all persons who should leave the meeting prior to continuing there will be a short break to ensure that this has happened.

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Evacuation Procedures

This procedure does not apply whilst using remote meetings

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



Minutes

Planning and Licensing Committee Wednesday, 11th March, 2020

Attendance

Cllr Ms Sanders (Chair)
Cllr McCheyne (Vice-Chair)
Cllr Fryd
Cllr Haigh

Cllr Jakobsson
Cllr Morrissey
Cllr Mynott
Cllr Tanner

Apologies

Cllr Chilvers
Cllr Keeble

Cllr Kerslake
Cllr Tierney

Substitute Present

Cllr Barrett
Cllr Bridge
Cllr Laplain
Cllr Nolan

Also Present

Cllr Foan
Cllr Lockhart
Cllr North
Cllr Hirst
Cllr Poppy
Cllr Mrs Pound
Cllr Parker
Cllr Reed

Officers Present

Zoe Borman	- Governance and Member Support Officer
Philip Drane	- Director of Planning and Economy
Caroline McCaffrey	- Development Management Team Leader
Mike Ovenden	- Associate Consultant Planner
Jean Sharp	- Governance and Member Support Officer
Alastair Lockhart	- Corporate Governance Solicitor
Brendan Johnston	- ECC Highways Strategic Development Engineer
Brooke Pride	- Planning Officer

404. Apologies for Absence

Apologies were received from Cllrs Chilvers, Keeble, Kerslake and Tierney. Cllrs Laplain, G Barratt, Nolan and Bridge were substituting respectively.

405. Minutes of the Previous Meeting

Members **RESOLVED** that the Minutes of the Planning and Licensing Committee meeting held on Thursday 30th January 2020 be approved as a true record.

406. Land South of East Horndon Hall, Tilbury Road, West Horndon, Essex. CM13 3LR - Application No. 19/00315/OUT

This application was reported to committee at the discretion of the Development Management Team Leader as it related to a development of scale which was likely to be of interest to the committee.

The application was deferred by the Planning and Licensing Committee at its meeting on 18 December 2019. The original report was reproduced in its entirety in the agenda and an update was provided at the end in an 'Addendum'.

This was an outline planning application addressing the principle of development with all other matters reserved – i.e. details of access, appearance, landscaping, layout and scale - at this stage. It comprised the demolition of all buildings; construction of new buildings providing 35,000 sqm of class B1b, B1c, B2 and B8 (i.e. research and development, light industrial, general industrial and storage and distribution respectively) floor space and 250 sqm of class A3 (restaurants and cafés) floor space, together with associated vehicle parking, loading, cycle parking and infrastructure.

As an outline application with all matter reserved, specific details of the form of development would be provided at the reserved matters stage if outline planning permission was granted. Nevertheless, an indicative layout plan, parameter plan showing building heights and a plan showing indicative points of access accompanied the application. The former shows 13 new buildings, retention of one existing building. The latter drawing showed all access (at 3 points) being from the Tilbury Road. The current T junction of the A128 and Tilbury Road would be replaced by a roundabout within the existing limits of the highway funded by the developer.

Mr Ovenden, Associate Consultant Planner, presented the application.

The application was recommended for refusal by officers.

Mrs June Palmer was present at the meeting and addressed the committee in objection to the application.

Cllr Foan, Parish Councillor for West Horndon, addressed the committee in objection of the application.

Mr Andrew Tabachnik, the agent for the application, addressed the committee in support of the application.

Following a full discussion Cllr Mynott **MOVED** and Cllr Haigh **SECONDED** a motion to **REFUSE** the application.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs G Barrett, Morrissey, Fryd, Haigh, Laplain and Mynott (6)

AGAINST: Cllrs Bridge, Jakobsson, McCheyne, Nolan, Miss Sanders and Tanner (6)

ABSTAIN: 0

The Chair exercised her casting vote and the motion for **REFUSAL** was **LOST**.

Following a full discussion Cllr Miss Sanders **MOVED** and Cllr McCheyne **SECONDED** that the application be **APPROVED**.

Members voted as follows:

FOR: Cllrs Bridge, Jakobsson, McCheyne, Nolan, Miss Sanders and Tanner (6)

AGAINST: Cllrs G Barrett, Morrissey, Fryd, Haigh, Laplain and Mynott (6)

ABSTAIN: 0

The Chair exercised her casting vote and the motion for **APPROVAL** was **CARRIED**.

Members considered there were very special circumstances:

- The significant economic benefits and sustainability benefits and the absence of an alternative site outweighed the harm identified in the Green Belt
- This development was cited in the emerging Local Development Plan.

As explained at the meeting, due to the nature of the application, the Secretary of State had to be notified of the proposal to grant planning permission, prior to issuing the decision. The Secretary of State responded, confirmed he would not intervene and the application should be determined by the planning authority. The permission has since been issued.

407. 37A Hanging Hill Lane, Hutton, Brentwood. CM13 2HY - Application No. 19/01551/FUL

The application had been referred to the Committee at the request of Cllr Hirst for the following reasons:

Excessive bulk and poor design resulting in detriment to the character of the area and to the amenity of residents in contravention of CP1; previous over-development of the same site had been withdrawn on advice. This application was not sufficiently different. It was hard to see how the existing chalet bungalow could be replaced by two houses without detriment to the neighbourhood and to residents.

This application related to the demolition of the existing chalet bungalow and the erection of a pair of semi-detached two storey dwellings and creation of a new access from the highway.

Ms Pride, Planning Officer, presented the report and the application had been recommended for approval by officers.

Mr Jonathan Inman addressed the committee in objection to the application.

Mr Tom Wiffen, the agent, addressed the committee in support of the application.

Cllr Hirst, Ward Councillor, addressed the committee in objection of the application.

Cllr Reed, Ward Councillor, addressed the committee in objection of the application.

Following a full discussion Cllr Sanders **MOVED** and Cllr Bridge **SECONDED** a motion to **REFUSE** the application.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs G Barrett, Bridge, Jakobsson, McCheyne, Morrissey, Nolan, Miss Sanders and Tanner (8)

AGAINST: (0)

ABSTAIN: Cllrs Fryd, Haigh, Laplain and Mynott (4)

Members **RESOLVED** that the application be **REFUSED** due to the bulk, mass, height of the building and its proximity to the boundaries, the proposal would be an overdevelopment of the site and a cramped form of development. This would be out of keeping with the prevailing pattern of development harmful to the visual amenity of the area, in conflict with Local Plan Policy CP1 (i) and (iii).

408. Land adjacent to Walden, Frog Street, Kelvedon Hatch, Brentwood. CM15 0JL - Application No. 19/01605/FUL

The application was referred to committee at the request of Cllr Poppy.

The application related to the construction of a new detached two storey dwelling with vehicular access and parking on land on the southern side of Frog Street, between dwellings named 'Walden' and '1 Laburnum Cottages'.

The site was 13m wide at the building line - though wider at the front and mostly narrower to the rear - which was wider than Braemar and Walden, though narrower than 1 and 2 Laburnum Cottages. The proposed dwelling would be 8.4 m wide, 7.4 deep and 8.46 tall. It would therefore be approximately half a metre taller than Braemar/Walden and the same height as 1 and 2 Laburnum Cottages though the latter had full hipped roofs. The parking would be to the left of the plot adjacent to Walden and the gardens would be to the front and rear.

This application was recommended by officers for refusal.

Mr Ovenden, Associate Consultant Planner, presented the application.

Mr Chris Loon, Agent for the application, addressed the committee in support of the application.

Cllr North, Parish Councillor for Kelvedon Hatch, addressed the committee in support of the application.

Ward Members, Cllr Poppy and Cllr Parker, also addressed the committee supporting the application.

Following further discussion Cllr McCheyne **MOVED** and Cllr Tanner **SECONDED** a motion to **APPROVE** the application.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Barrett, Bridge, Fryd, Haigh, Jakobsson, Laplain, McCheyne, Mynott, Nolan, Miss Sanders and Tanner (11)

AGAINST: (0)

ABSTAIN: Cllr Morrissey (1)

Members **RESOLVED** that this application be **APPROVED** subject to:

Standard time for commencement, to be carried out in accordance with approved drawings, removal of permitted development extensions and the 6 highways conditions as requested by the highways authority.

409. Land adjacent to 3 King Edward Road, Brentwood. Application No. 19/01649/FUL

The application was reported to the Planning and Licensing Committee as it had been submitted by the Council and related to Council owned land.

The application related to alterations to the design of a pair of semi-detached dwellings permitted in July 2017. The proposal subject to the current application differed from the 2017 scheme as follows:

- Removal of two under croft parking spaces (one to each dwelling) to become part of the ground floor accommodation of each property
- Use of roof space to provide 'home office' accommodation at second floor level
- Provision of four rooflights to the front and three rooflights to rear elevation
- Gap between proposed building and existing dwelling to east reduced from 1170mm to 1102mm
- Gap between proposed building and existing office to west increased from 1175mm to 1270mm to avoid encroaching on a private right of way

Mr Ovenden, Associate Consultant Planner, presented the application.

The application was recommended for approval by officers subject to certain conditions as outlined in the report.

Cllr Morrissey, Ward Councillor, enquired as to whether additional residents' parking space could be created by moving a post. Officers advised this was a

matter for South Essex Parking Partnership (SEPP) but Cllr Barrett advised that SEPP would not issue residents' permits for new build properties.

Following a full discussion a motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Barrett to **REFUSE** the application for alterations to the design.

A recorded vote was taken and Members voted as follows:

FOR: Cllrs Barrett, Bridge, Fryd, Haigh, Jakobsson, Laplain, McCheyne, Morrissey, Mynott, Miss Sanders and Tanner (11)

AGAINST: (0)

ABSTAIN: Cllr Nolan (1)

Members **RESOLVED** that the application be **REFUSED** for the following reasons:

The proposal is unacceptable as it would result in a development that would not make satisfactory car parking arrangements contrary to Policy CP1.

410. Telecommunication Prior Notice Applications

The report sought approval to delegate powers to officers when determining applications for permitted development prior notifications that related to telecommunications development proposals. It was good practice to determine applications in a timely manner. The report aimed to reduce risk by making it less likely that these applications would be determined out of time.

Mr Ovenden, Associate Consultant Planner, presented the report.

Whilst acknowledging the importance of these applications being decided within the given time frame, Members expressed concern that Ward Members would not be given an opportunity to comment, also it was questioned whether by approving the recommendation in the report they were in line with the Council's Constitution.

Following a full discussion the Chair agreed to Cllr Barrett's proposed amendments to the recommendation:

R1. To approve *in principle* that the Development Management Team Leader is delegated powers to determine prior notification applications for telecommunication proposals, *with further consideration for the technical process.*

R2. That this is forwarded to the next meeting of the Constitutional Working Group or Audit and Scrutiny Committee as appropriate for progression.

A motion was **MOVED** by Cllr Sanders and **SECONDED** by Cllr Morrissey to approve the recommendations in the report as amended, a vote was taken by a show of hands and it was **RESOLVED**:

- 1. To approve in principle that the Development Management Team Leader is delegated powers to determine prior notification applications for telecommunication proposals, with further consideration for the technical process.**
- 2. That this is forwarded to the next meeting of the Constitutional Working Group or Audit and Scrutiny Committee as appropriate for progression.**

(Cllr Laplain declared a non-pecuniary interest by virtue of working for British Telecom).

Reasons for Recommendation

The reason for recommending the delegation of powers to officers when determining telecommunications development proposals is to make it less likely that these applications will go out of time without a decision being made.

411. Dunton Hills Garden Village Update

The National Planning Policy Framework (NPPF) required local planning authorities to produce a Local Plan for their area. Brentwood Borough Council had submitted the Local Development Plan and the Examination-in-Public was underway.

A key part of the Local Development Plan strategy for growth was to deliver Dunton Hills Garden Village. A draft Framework Masterplan Document had been prepared and presented to the Dunton Hills Garden Village Project Delivery Board and was appended to the report as Appendix A.

The masterplan provided a high-level framework for the site. In order to provide more detail, the Council was preparing a Detailed Design Supplementary Planning Document. Both documents would form part of the policy framework for Dunton Hills Garden Village and had involved engagement with stakeholders throughout.

Members thanked officers for their work.

Following a full discussion Cllr Miss Sanders proposed and Members agreed to **note the update provided in the report.**

Reasons for Recommendation

Delivery of Dunton Hills Garden Village has to date involved two key workstreams; site allocation and planning application. The Council has submitted the Local Plan for Examination in Public with allocation of the garden village a key part of the proposed strategy to meet growth needs consistent with local borough character. CEG has been preparing to submit an outline planning application in support of the proposed allocation. Preparation of the Framework Masterplan Document is a key part of ensuring that any future application is consistent with Local Plan policy and prepared in collaboration with the Council and other stakeholders. Presentation of the masterplan to the Dunton Hills Garden Village Project Delivery Board was a project milestone, which has been brought as information to Planning and Licensing Committee. Next steps are provided as information in order that Members can track progress.

412. Urgent Business

There were no items of urgent business.

The meeting concluded at 21:40

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Minutes

Licensing Sub-Committee
Tuesday, 25th February, 2020

Attendance

Cllr Jakobsson

Cllr Kerslake

Apologies

Cllr Chilvers

Substitute Present

Cllr Mynott

Officers Present

Paul Adams	- Principal Licensing Officer
Caroline Harrison	- Licensing Officer
Dave Leonard	- Licensing Officer
Alastair Lockhart	- Corporate Governance Solicitor
Maria Moses	- Licensing Officer
Jean Sharp	- Governance and Member Support Officer

374. Appointment of Chair

Members **RESOLVED** that Cllr Jakobsson should chair the meeting,

375. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

376. Application to Vary the Premises Licence - The Vault, 91 Hutton Road, Shenfield, Brentwood, Essex, CM15 8SD

An application had been received to vary the premises licence to extend the terminal hour for the provision of Films, Live Music, Recorded Music,

Performance of Dance, Supply of Alcohol and Late Night Refreshment on Friday, Saturday & Bank Holiday Sundays to 0145hrs on the following day with the premises being closed to the public by 0215hrs in respect of **The Vault, 91 Hutton Road, Shenfield, CM13 8YX**. One relevant representation had been received. Members were requested to determine the application having regard to the operating schedule, the representations received, the Council's Statement of Licensing Policy and the four Licensing objectives.

The Licensing officer introduced the report and Mr Hopkins spoke on behalf of the applicant, Choice Shenfield Ltd. Members noted the contents of the letter of objection which had been received.

Members were satisfied that the agreed conditions, if adhered to, would promote the licensing objectives and granted the licence as applied for, subject to the conditions set out in Mr Hopkins' email of 10 February 2020.

377. Taxi Driver matter (Exempt)

The Sub-committee was asked to determine whether a driver should have their Combined Hackney Carriage and Private Hire Driver's Licence revoked following a conviction for Plying for hire without a London taxi driver licence which they had not declared to Brentwood Licensing Officers. This was contrary to the Council's Licensing conditions.

The Licensing Officer introduced the report and the driver and their partner addressed the sub-committee. Taking all available information into consideration Members decided to suspend the licence for six months and warned the driver that any further breaches of their licence would result in revocation.

378. Taxi Driver Matter (exempt)

The Sub-committee was asked to determine whether a driver should be able to obtain a duplicate badge for their taxi driver licence which had been suspended in November 2018 as they had not undertaken a DVLA check and had in fact moved away.

The application for a duplicate licence revealed that the driver had received a sixth month disqualification and this offence meant they now fell outside of council policy for issuing a licence.

The Licensing Officer introduced the report and the driver addressed the sub-committee. Members noted the information provided and the Council's Licensing Policy and decided to revoke the licence.

SITE PLAN ATTACHED at Appendix A

COPTFOLD ROAD MULTISTOREY CAR PARK COPTFOLD ROAD BRENTWOOD ESSEX

**APPLICATION FOR PRIOR APPROVAL - UNDER PART 16 OF SCHEDULE 2 FOR
THE INSTALLATION OF 2NO. ANTENNAS, 2NO. TRANSMISSION DISHES, 2NO.
REMOTE RADIO UNITS, 3NO. EQUIPMENT CABINETS AT GROUND LEVEL AND
ANCILLARY DEVELOPMENT THERETO INCLUDING 1NO. GPS MODULE**

APPLICATION NO: 20/00466/PNTEL

WARD Brentwood South **56 DAY DATE** 01.06.2020

PARISH

CASE OFFICER Mike Ovenden

Drawing no(s) 100A; 200B; 300B;
relevant to this
decision
attached as
Appendices B,
C and D:

**The application is reported to the Planning and Licensing committee in
accordance with the requirements of the Council's constitution.**

1. Proposals

The application relates to a permitted development proposal including antennas, other apparatus, supporting infrastructure and associated equipment cabinets by a telecommunications code system operator (in this case Telefonica/Vodafone). The cabinets would be sited at ground level, the mast would be on the top of the car park building. The application follows a proposal for a ground based 20 metre tall mast and three cabinets on highway land nearby refused prior approval at the committee in January 2020.

The cabinets would be sited at ground level on a tarmacked area adjacent to the Coptfold Road elevation of the car park and its pedestrian entrance. Two equipment cabinets are proposed (1898 x 798mm, 1645mm tall) about 0.5 metre apart in a line backing on to the building, a third smaller cabinet (955 x 255mm, 1020 mm tall) would back on to the external flight of steps coming from the car park. The cabinets would be

coloured Fir Green (RAL 6009) and it is proposed to protect them with three bollards. There are currently two foldable bollards in this area.

The proposed antennas would be mounted on a steel support structure affixed to the roof of the stair tower. The total height of the building at this point to the parapet is 21.4 metres. The proposed two vertical antennas would have a height of 2.75 metres resulting in a total height above ground level of 24.15 metres. A transmission dish would be provided at a centre line of 23.15 above ground level and a small GPS module attached to the top of one antenna adding negligible extra height. Running between the roof mounted equipment and the ground based cabinets would be a 300mm wide cable tray running up the middle of the elevation of the stair tower.

Like the last application, this development is a response to the forced removal of a base station from Ewing House, though unlike that one this proposal would provide a single replacement rather than two sites serving the area – it was previously proposed to have one adjacent to this site and the other across the valley at Pastoral Way.

2. Policy Context

Local Development Plan: Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy IR2 Telecommunications

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, ending on 26 November 2019. At Ordinary Council on 22 January 2020 the Council resolved to submit the plan to the Planning Inspectorate on behalf of the Secretary of State (Regulation 22). Submission of the Local Plan took place on Friday 14 February 2020. An Examination in Public is likely to be held in mid 2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council in late 2020 or 2021. With regard to the impact on timeframes due to the current COVID-19 situation, Planning Inspectorate advice is that pre-hearing matters for submitted Local Plans can continue. At this stage public hearing sessions are not able to proceed but this will be kept under review with all options explored in order for them to take place as soon as possible.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to be inspected through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

3. Relevant History

- 19/01746/PNTEL: Application for Prior Approval - under Part 16 of Schedule 2 for the Installation of a 20m Slim line column supporting 4no shrouded antennas, 1 no transmission dish, 2 no equipment cabinets 1 no meter cabinet and ancillary development thereto - Prior Approval is required/Refused

4. Neighbour Responses

- Object
- Reasons for refusing the last application remain valid
- Near to listed buildings and conservation area
- Improvements to the car park are required
- The proposal would not be a positive addition to the car park
- Would add to clutter and be overbearing
- Suggest other sites
- Reference to public health issues
- Why should a large corporation benefit from this installation, to the detriment of the local dwellers, who gain no commercial advantage.
- Installer should offer a better technical solution, which may cost more, enabling remote equipment, away from the public.
- What controls are in place to stop further additions in the future or replacement by larger and more dangerous equipment.
- There must be a better process to halt the non-stop expansion of unwanted or unproven technology in our environment.
- Comment about Huawei equipment
- Visual impact on Becket House and in clear view of occupiers
- the choice of this particular site under-estimates the visual impact of the presence of antennas & dishes

5. Consultation Responses

- **Essex County Fire Service (Headquarters):** None received to date
- **Historic Buildings and Conservation Officer:**

Context

Development is proposed to be situated upon and around the Coptfold Road Multi Storey Car Park within Brentwood Town Centre; this location abuts the Brentwood Town Centre Conservation Area (southern boundary) and is adjacent to a group of Grade II listed buildings; UNITED REFORMED CHURCH, List UID: 1197239, BRENTWOOD COUNTY COURT HOUSE, List UID: 1207597 and BRENTWOOD LIBRARY, List UID: 1297264. The spatial gap between the development site and the listed buildings is a well used parcel of public open space which offers a green pause within the urban area.

Coptfold Road contains a row of Grade II listed buildings and is a well-used thoroughfare within the Town Centre, linking to South Street, Crown Street and Primrose Hill.

This group of buildings and the Villas opposite the car park are high contributors to character, the multi storey itself is a large C20th block which is not of positive character, there is however, a relatable human scale within this area with the exception of the car park which already dominates the corner by way of its scale.

As an outdated building it is identified within the Council's Town Centre Design Plan and the TCDG for redevelopment with reference to façade improvements and public realm upgrading.

Discussion

In terms of the submission I advise that the applicant has not provided sufficient information regarding the significance of the heritage assets affected by these proposals, including any contribution made by their setting. This is set out as a requirement of National Planning Policy (para 189); the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

As set out in the TCDP, new development should contribute to creating a coherent town centre, ensuring that the unique aspects and character of Brentwood are respected and retained, particularly where there are heritage assets. Proposed new developments should adhere to the design guidelines set out in this design guide in order to enhance and improve the setting of the town. Specifically the Guide sets out the priorities for this area in terms of Public Realm

The plans submitted show an area at the southern base of the Multi storey being used to house equipment cabinets and vertical a cable tray running up the full length of the façade. In addition, from the long view, the clutter proposed at roof level will not serve to be a positive step forward in terms of the Town Centre roofscape, which includes designated heritage assets.

For Members' information the site map, details of site location, proposed block plan, proposed south east elevation and photos of the site are attached to this report as Appendices A to E respectively.

Recommendation

As a consequence, I object to the proposals, these are unsympathetic add ons to the building and its environs; in essence, this proposal does not comply with the Brentwood Town Centre Design nor does it have due regard to the heritage context of the site.

- **Highway Authority:** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to its highway policies.
- **Assets Manager (Brentwood Borough Council):**

The car park and associated land is owned and managed by the Borough Council. The company does not have the agreement of the Council to put the equipment on the ground as this is unregistered land and we cannot grant consent for this until the land is registered to the Council. There is no agreement or consent to put the equipment on the Multi-Storey Car Park. The top 3 floors are leased on a long lease (150 years) to the owners of the flats at Becket House and it is understood that the applicant has not approached or received the agreement of those lease holders.

6. Summary of Issues

Background

This is not a planning application. It relates to a form of development that is permitted development (i.e. has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16 Class A – electronic communications code operators. Prior to exercising permitted development rights, operators have to apply to the local planning authority for a determination as to whether the prior approval of the Council will be required for two issues - the siting and appearance of the development. This is what the application seeks to establish. If prior approval is required the local planning authority then determines whether those details are acceptable.

The Government is strongly supportive of telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and

other organisations. Policy IR2 is similarly broadly supportive of telecommunications infrastructure, though not without caveats. This development relates to maintaining the 2G, 3G and 4G network in the area around Brentwood railway station by replacing existing equipment due to be decommissioned and removed from Ewing House (130 Kings Road) near Brentwood Station in mid 2020 as the owner wishes to be able to implement the permission for two additional storeys on the building granted (on appeal) in January 2019. Ewing House is currently used by other providers as well though only Telefonica/Vodafone equipment is subject to this application. The applicant has listed eleven other sites it has considered and discounted. The agents advises that potentially, unless a suitable replacement for the Ewing House site is found, it is possible that there would be no coverage in the station area for Telefonica customers from mid 2020.

The applicant has explained that the mast is required to reach the station area and avoid a further proliferation of masts, The applicant has stated that the equipment cabinets on their own could be erected under permitted development rights, without triggering this type of application, although have been included for reasons of transparency.

As indicated above, the issues to consider with this type of application are very limited:

- whether the prior approval of the local planning authority is required for the siting and appearance of the development.
- If prior approval is required whether the submitted details are acceptable.

The committee is aware that the determination period for this type of application is limited to a maximum of 56 days and if no decision is made within that period the developer may proceed without delay. Since the last application was considered by committee, case law has reversed the previous position that the 56 day period could not be extended, so it can by agreement. In this case no extension of time has been sought as there is no obvious benefit of extending the time for determining this application. Officers offered advice during a one sided pre app submission and yet the application came in unaltered.

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure. The highways authority does not object to the siting or appearance of the proposal. To that extent the proposal complies with Policy CP1. Other requirements of the policy are addressed below. The applicant has made reference to relevant policies in the emerging plan but as the committee is aware it is the Councils position at the present time that emerging policies carry limited weight.

The Council has adopted the Brentwood Town Centre Design Guide which identifies parts of the town that provide a quality characterful environment and others which require intervention and improvements to raise the quality of the public realm. Page 50 identifies the area around the car park and the Crown Street/Coptford Road junction specifically as being in need of improvement. The Guide is a material consideration in

applying design policies such as CP1, in circumstances involving judgements about design matters, siting and appearance.

Siting

Details of the siting of the development are required due to its prominence. The applicant has included details of siting with the application. The proposed siting of the proposed cabinets is against the wall of the multi storey car park building. This is a tarmacked area away from the flow of pedestrians and currently provides storage for a number of wheelie bins and a waste paladin. Whilst the proposed cabinets are bland and unattractive they are fairly standard 'street furniture' and within the range of service related paraphernalia than is generally tolerated in urban locations other than those particularly susceptible to visual damage from such cabinets, for example in a particular heritage context (close to listed buildings or in a conservation area) or otherwise in particularly prominent positions or important vistas. The siting of the cabinets would be clearly open to view to passers-by but would be at least partly visually contained by the building and its external stairs. However, the development removes the possibility of this forgotten corner to be improved, for example with planting or other enhancement to the public realm as advocated in the Town Centre Design Guide. Therefore, for as long as the development would be on the site, this patch of land would remain a scruffy forgotten corner. However, judged on the impact of the cabinets when compared to the area as it currently is the siting of the cabinets is acceptable.

The antennas would be on the top of the multi storey car park. The design of the car park has two sets of decks set at different levels. The part of the building containing the eastern decks has a total height of 19.44m above ground level, the part containing the western decks has a height of 18.98m, though in addition the prevailing level of land drops by approximately 850mm east to west. Approximately 2/3 of the way along the elevation is a stair tower, set behind the face of the eastern decks though in front of the western decks, providing access to the decks on both sides of the building. This tower has a greater height than the rest of the building. To the top of the parapet it has a height of approximately 21.4 metres. To imply that the mast has a precedent structure or twin and therefore wouldn't look so out of place, the applicant has sought to draw some comfort by showing a safety ladder adjacent to Becket House, in the submitted south elevation. While the feature does exist it is approximately 60 metres further north and would not be seen in combination with the proposed roof mounted equipment.

Putting the equipment on the highest part of the building would make it clearly visible from positions from some distance along Coptfold Road, southern parts of Crown Street, Primrose Hill, Rose Valley, Queens Road. It would be likely to be least visible when passing close by the elevation of the building. The latter is a key part of the applicants case in support of the proposal. While the car park is a tall bulky building with a brick clad semi brutalist form, it is a self contained structure which other than through its size does not overly impose itself on its surroundings. The choice of siting the equipment on the top of the stair tower would place it outside the silhouette of the building, breaking the skyline where the combination of the antenna and the required

supporting framework would be unduly prominent, unsightly and impose itself on views from some distance. The applicant has made no comment on visual impact of siting the equipment on the roof other than commenting that from very close by at street level the roof mounted equipment would not be particularly visible.

The site is 63 and 80 metres from the closest parts of the conservation area and the nearest listed building (the United Reformed Church) is approximately 68 metres away. At these distances the proposal would have a limited impact on these heritage assets.

Given the nature of the development proposed its proposed siting would be harmful to the character of the area as a whole and the details of siting should be refused.

Appearance

Given the nature of the development details of appearance are required. The applicant has included these details with the application. The development is functional in its design and makes no attempt to mitigate the impact of the equipment, support structure or the cabinets. While the visual impact of the cabinets is limited, through their siting rather than directly as a result of their appearance, it is the roof mounted equipment that would have the greatest visual effect on the area. The appearance of the proposed equipment in this location would be a dominant and unsightly feature open to wide public view in the locality. Its impact would be felt over a broader area than the previously proposed ground based mast. Given the nature of the development proposed which is not of a demonstrably high standard of design, its appearance would be harmful to the character of the area and the amenities of nearby residents contrary to the requirements of Policy CP1.

Policy IR2 requires proposal not to have an 'unacceptable detrimental impact to the appearance of the building on which the equipment is to be sited'. This development would fail this requirement. The cable tray running up the centre of the stair tower is another example of the insensitive nature of the proposal. Even if the cable tray was appropriately coloured it would rise up the building like a scar where its appearance could be mitigated to some degree to moving it to another position, for example the junction of the stair tower and the east decks. The details of appearance of the proposal should be refused.

Other Matters raised in representations

A Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines has been submitted with the application. This declaration certifies the cumulative exposure as a result of the development would not exceed international guidelines and the development would therefore not be detrimental to public safety. It is the long standing position of the Government that if the developer provides a declaration that the equipment complies with ICNIRP standards local planning authorities should not consider the matter further.

Paragraph 116 of the NPPF advises that *"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."*

Prior to the application being submitted, officers had attempted to discuss other siting and designs of equipment but received no feedback. The application makes brief reference to those suggestions but say that the options raised were not workable.

With regard to the third party comment about whether there are controls on future alterations or replacement with other equipment, this would depend on permitted development rights operative at the time. Comments about commercial advantage, about Huawei equipment (though none is shown on the application) and stopping unwanted or unproven technology are not planning matters or relevant to this type of application.

This report focuses consideration of the proposal to matters relating to siting and appearance of the development and for the reasons given above this proposal fails the requirements of policies CP1 and IR2 and this application is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

Prior approval is required for siting and appearance of the development and prior approval of the details supplied with the application is refused.

The proposal is unacceptable because it would result in the provision of telecommunications equipment and supporting infrastructure in a highly elevated and very prominent location and given their siting and appearance would be detrimental to the character and visual amenity of the area and of nearby residents, contrary to policies CP1 and IR2 of the Brentwood Replacement Local Plan 2005 and the National Planning Policy Framework.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, IR2, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 U06960

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time. Furthermore the authority did engage in pre application discussions following initial contact from the agent but these did not achieve any meaningful discussions.

BACKGROUND DOCUMENTS

DECIDED:

Appendix A



Title : Coptfold Road Multistorey Car Park, Coptfold Road, Brentwood, Essex

20/00466/PNTEL

Scale at A4 : 1:1250

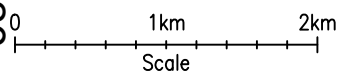
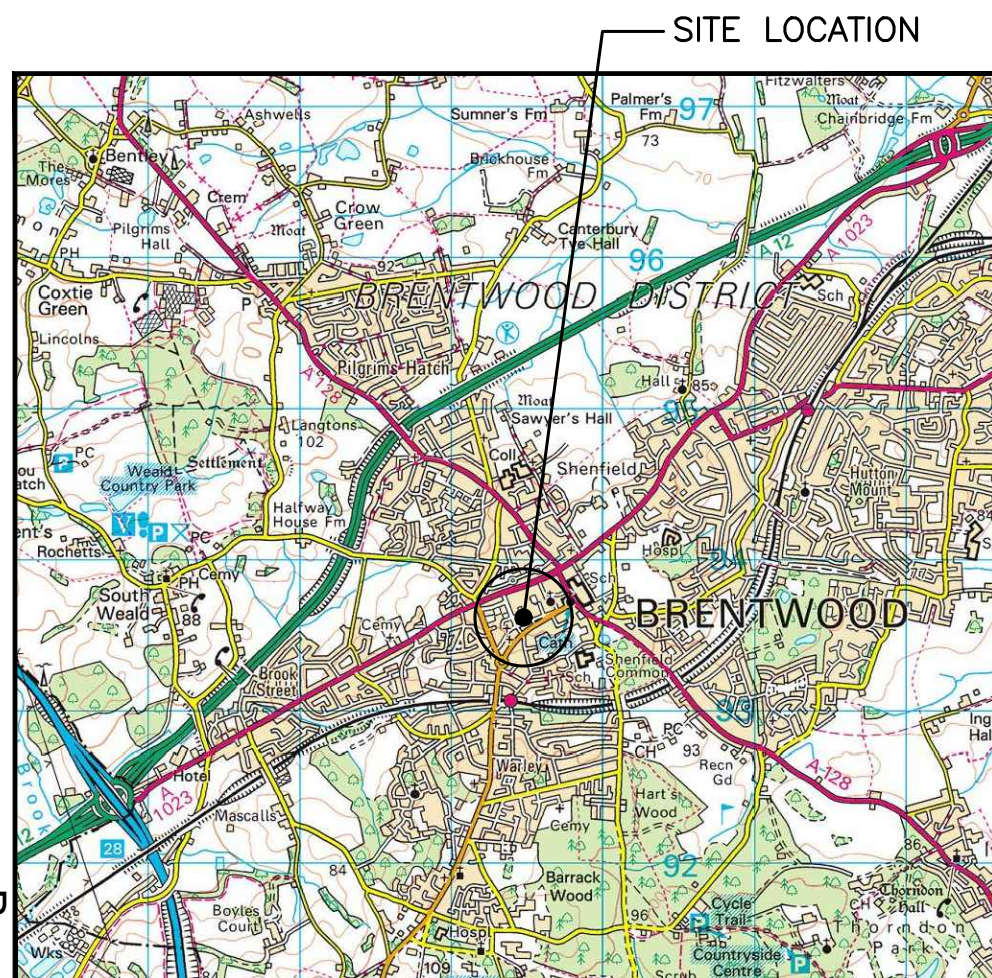
Date : 13th May 2020

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500



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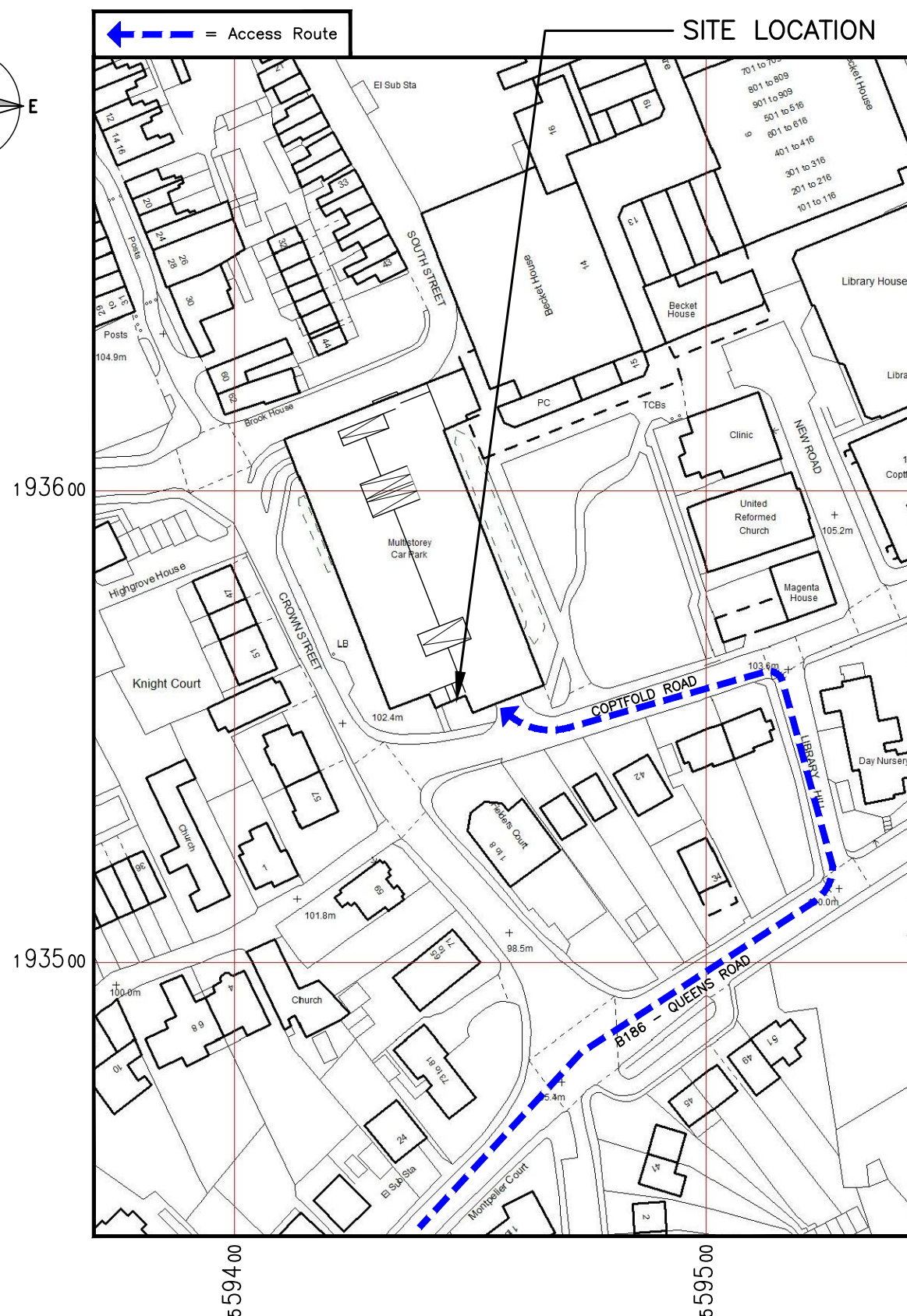
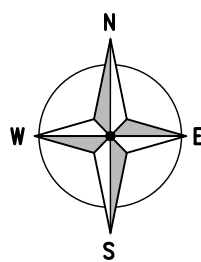
SITE LOCATION

(Scale 1:50000)

Ordnance Survey map extract
based upon Landranger map series
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SITE PHOTOGRAPH



DETAILED SITE LOCATION

(Scale 1:1250)

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ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R	E: 559442	N: 193559
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CONCESSION REQUIRED	NO
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DIRECTIONS TO SITE:
TRAVELLING ON THE M25 EXIT AT JCT. 28
AND TAKE THE A1023 HEADING NORTH EAST
FOR BRENTWOOD. CONTINUE FOR APPROX.
2.5km BEFORE TURNING RIGHT ONTO THE
B186 KINGS ROAD. CONTINUE FOR APPROX.
375m THEN AT ROUNDABOUT TAKE THE FIRST
EXIT ONTO THE B186, QUEENS ROAD.
CONTINUE FOR APPROX 200m, THEN AT
ROUNDABOUT, GO STRAIGHT ON. CONTINUE
FOR APPROX. 50m BEFORE TURNING LEFT
ONTO LIBRARY HILL. TURN LEFT ONTO
COPTFOLD ROAD. THE CAR PARK IS APPROX.
50m FURTHER UP ON THE RIGHT.

NOTES:

A	Issued for Approval	DP	SBB	15.10.1
REV	MODIFICATION	BY	CH	DATE



CTIL - NON BEACON

Cell Name		Op
BRENTWOOD CAR PARK		-
Cell ID No		
CTIL	TEF	VF
206381_20	076015	N/A

Site Address / Contact Details

BRENTWOOD CAR PARK
COPTFOLD ROAD
BRENTWOOD
CM14 4BH

Drawing Title:	SITE LOCATION MAPS
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Purpose of issue:	PLANNING
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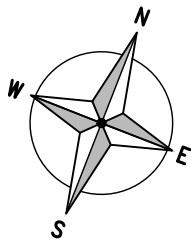
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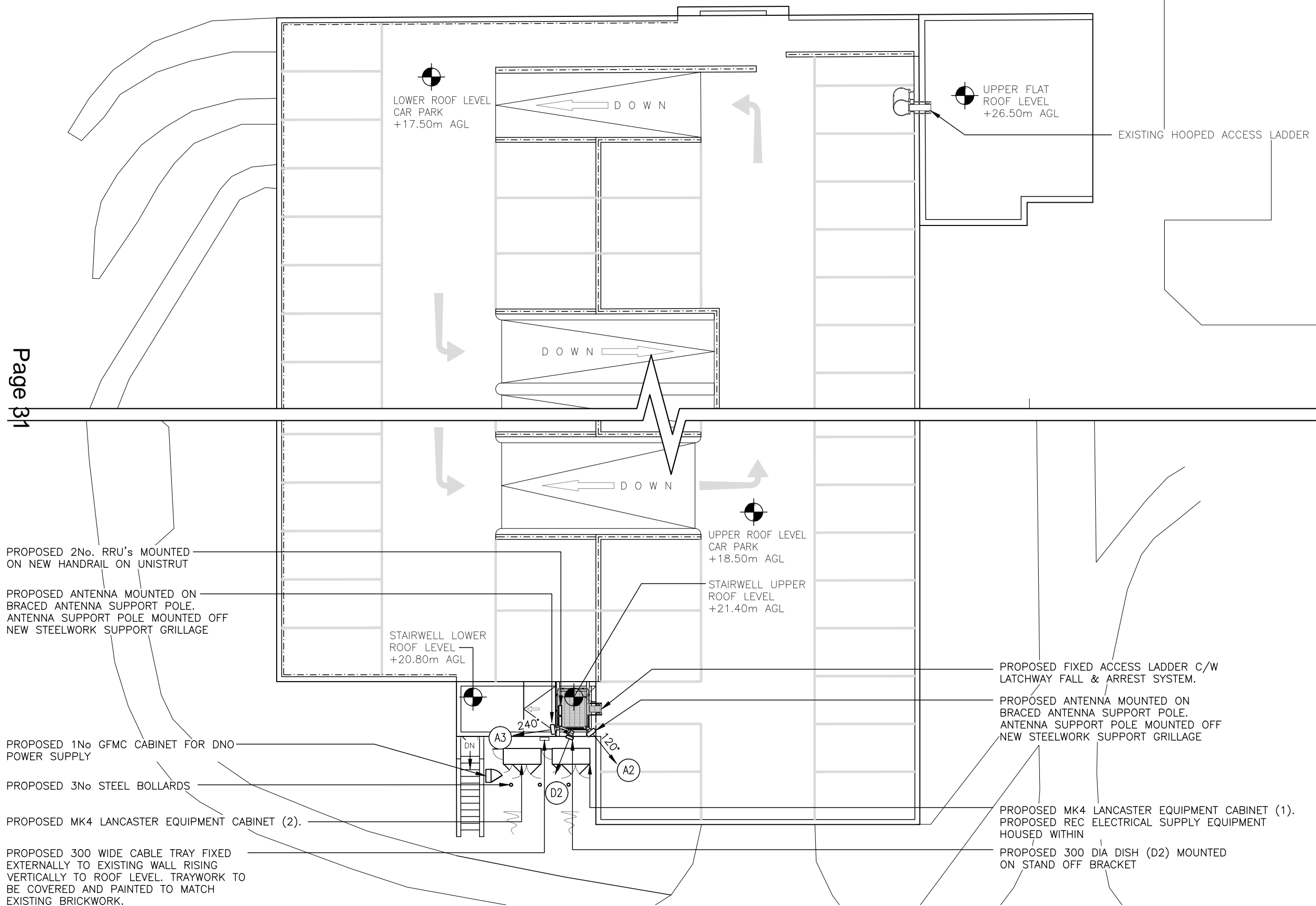
Drawn: DP	Date: 15.10.19	Checked: SBB	Date: 15.10.19	B
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The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.
Designed in accordance with CTIL document: SDN0008

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Page 31



PROPOSED SITE PLAN
(1:200)

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.
Designed in accordance with CTIL document: SDN0008

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N.G.R | E: 559442 N: 193559

CONCESSION REQUIRED | NO

NOTES:

REV	MODIFICATION	BY	CH	DATE
B	L26 RRU's removed	DP	PD	18.11.19
A	Issued for Approval	DP	SBB	15.10.19

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Manchester, M40 5AG
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CTIL - NON BEACON

Cell Name | Opt.

BRENTWOOD CAR PARK | -

Cell ID No

CTIL | TEF | VF

206381_20 | 076015 | N/A

Site Address / Contact Details

BRENTWOOD CAR PARK
COPTFOLD ROAD
BRENTWOOD
CM14 4BH

Drawing Title: PROPOSED SITE PLAN

Purpose of issue: PLANNING | Dwg Rev:

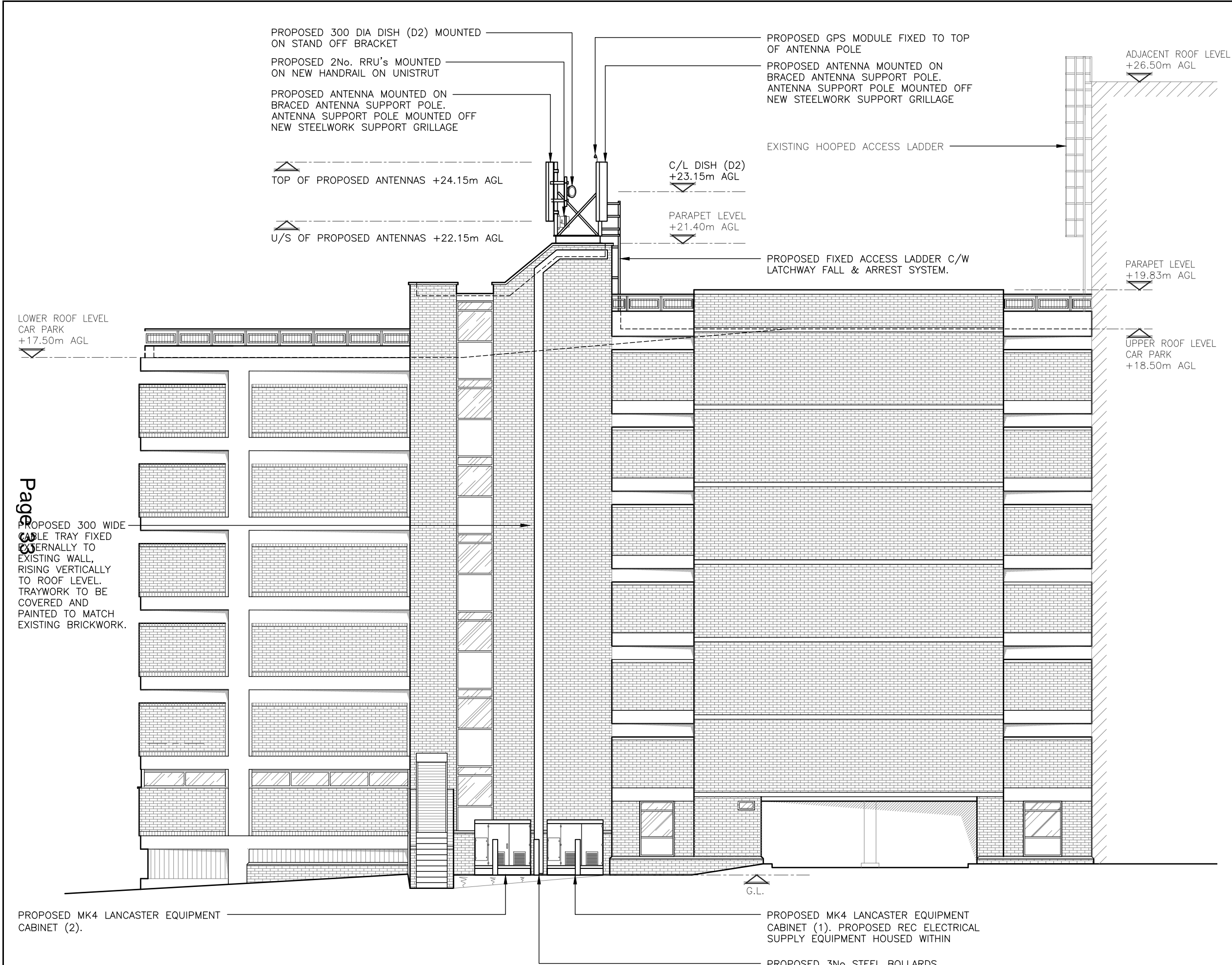
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Surveyed By: SSB | Original Sheet Size: A3 | Pack Issue:

Drawn: DP | Date: 15.10.19 | Checked: SBB | Date: 15.10.19 | B

Appendix C

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The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.
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PROPOSED SOUTH EAST ELEVATION
(1:125)

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R

E: 559442

N: 193559

CONCESSION REQUIRED

NO

NOTES:

B	L26 RRU's removed	DP	PD	18.11.19
A	Issued for Approval	DP	SBB	15.10.19
REV	MODIFICATION	BY	CH	DATE

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Cell Name			Opt.
BRENTWOOD CAR PARK			-
Cell ID No			
CTIL	TEF	VF	
206381_20	076015	N/A	
Site Address / Contact Details			
BRENTWOOD CAR PARK COPTFOLD ROAD BRENTWOOD CM14 4BH			

Drawing Title:
PROPOSED SITE ELEVATION

Purpose of issue:
PLANNING

Dwg Rev:

Drawing Number:
300

B

Surveyed By:
SSB

Original Sheet Size:
A3

Pack Issue:

Drawn:
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Date:
15.10.19

Checked:
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Date:
15.10.19

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Appendix D

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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Planning and Licensing Committee

Planning

(a) Town and Country Planning Act 1990 and any related legislation including: -

- (i) determination of planning applications;
- (ii) enforcement of planning control;
- (iii) waste land notices, purchase notices, etc.

(b) Listed Buildings and Conservation Areas Act 1990

- (i) determination of applications for Listed Buildings and Conservation Area consent;
- (ii) enforcement of Listed Building and Conservation Area legislation.

(c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.

- (i) To guide the Council in setting its policy objectives and priorities.
- (ii) To carry out the duties and powers of the Council under current legislation;
- (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
- (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (v) To consider and approve relevant service plans;
- (vi) To comply with the standing orders and financial regulations of the Council;
- (vii) To operate within the budget allocated to the committee by the Council.
- (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

(d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

Licensing

(a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.

(b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.

(c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.

(d) To exercise all other functions relating to licensing and registration including

i. Trading Requirements

ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators

iii. Animal Welfare and Security

iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing

v. Sex establishments (including Sex Entertainment Venues (SEV))

vi. Pavement Permits

vii. Charitable Collections

viii. Camping, Caravan Sites and Mobile Homes

ix. Scrap Metal

x. Game Dealers

(e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.